THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.19476 OF 1998

DATED: 07-03-2007

Between :

1. Smt. Sharada Bai Sarma and 2 others. ... Petitioners

And

The Mandal Revenue Officer, Bandlaguda
Mandal, Hyderabad District. .. Respondent

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.19476 OF 1998

ORDER :

The petitioners herein claim to be in possession of the land to an extent of Ac.4-32 guntas in Sy.No.295 of Bandlaguda Village, Hyderabad. It is stated that they have been in possession of the said property from the year 1950 onwards and the premises constructed by them has been given Municipal Door No. 18-13-7/A. Alleging that the Municipal Corporation of Hyderabad was interfering with the construction of compound wall around the land, the husband of the 1st petitioner filed O.S.No.1741 of 1999 on the file of the Court of II-Assistant Judge, City Civil Court, Hyderabad and the same was decreed on 30-6-1980.

Having regard to the fact that they have been in possession from the year 1950, the petitioners made representations to regularise their occupation in terms of G.O.Ms.No.508, Rev., dated 20-10-1995. Earlier they filed W.P.No.28969 of 1997 seeking a direction to the respondents to consider their application for regularization and the said writ petition was disposed of by this Court with a direction to the respondents to consider the petitioners' application in accordance with law within a period of six weeks. Pursuant thereto, by Memo dated 17-6-1997 the Collector, Hyderabad was directed by the Government to take necessary action in the matter as per the guidelines issued for regularization of the occupation of the government land for dwelling purposes. It is alleged that no further steps have been taken by the Collector, but in the meanwhile the respondent herein has been

interfering with the possession. Hence, this writ petition seeking a declaration that the alleged action of the respondent – Mandal Revenue Officer, Bandlaguda as arbitrary and illegal.

Though Rule Nisi was ordered by this Court on 15-7-1998, no counter-affidavit has been filed by the respondent and the specific plea of the petitioners as to their possession of the land in question remained unrebutted. That apart, the order of Status Quo ordered by this Court on 10-7-1998 continued to be in operation throughout.

Having regard to the facts and circumstances of the case and in the absence of any counter-affidavit by the respondents, I deem it appropriate to dispose of the Writ Petition with a direction to the respondent not to interfere with the possession of the petitioners in any manner whatsoever without following due process of law. No costs.

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G. ROHINI, J.

Dt. 7-3-2007
gbs